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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,742	02/11/2004	Ronald S. Cok	84604AAJA	3604

7590 09/25/2009  
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EXAMINER
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RAABE, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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2879

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/776,742	<b>Applicant(s)</b> COK, RONALD S.	
	<b>Examiner</b> CHRISTOPHER M. RAABE	<b>Art Unit</b> 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04 September 2009 has been entered.

Applicant's arguments filed 04 September 2009 have been fully considered but they are not persuasive.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atchinson et al. (USPN 6371637) in view of Pichler (USPN 5929562).

With regard to claim 1,

Atchinson et al. disclose in at least figures 1 and 10 and column 4, lines 1-25 a method for providing a replaceable light source comprising the steps of: manufacturing a light source (20) on a flat, flexible substrate (37) in a substantially two-dimensional configuration; and

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flexing and removably placing the light source (20) in a curved three dimensional configuration within a lighting fixture (not pictured).

While Atchinson et al. do not disclose the method of shipping the light source, it was a well known and widely used practice to those of ordinary skill in the art to ship a two-dimensional product in a two dimensional configuration to simplify packing, and therefore would have been obvious to the same.

Additionally, while Atchinson et al. do not disclose the area emitting light source having a flexible organic light emitting diode layer on a single, flat, flexible, two-dimensional substrate, the diode layer including two electrodes, at least one of the electrodes being transparent, Pichler does disclose in at least columns 2 and 5 an analogous light source having a flexible organic light emitting diode layer on a single, flat, flexible, two-dimensional substrate, the diode layer including two electrodes, at least one of the electrodes being transparent, providing a thinner device. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the light source of Pichler into the method of Atchinson et al. in order to provide a thinner device.

With regard to claim 2,

Atchinson et al. disclose the method claimed in claim 1. While Atchinson et al. do not disclose the package used in shipping, it was a well known and widely used practice to pack a substantially two dimensional object in a flat package to save space while protecting the product during shipping, and therefore would have been obvious to the same.

With regard to claim 3,

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Atchinson et al. disclose the method claimed in claim 2. While Atchinson et al. do not disclose the shipping method, Atchinson et al. do disclose producing a plurality of sources and the end user utilizing the plurality of sources, therefore it would have been obvious to one of ordinary skill in the art to ship the product in a package containing a plurality of light sources in order to reduce shipping costs.

With regard to claim 4,

Atchinson et al. disclose the method claimed in claim 3, wherein a portion of the plurality of light sources may be removed from a package.

With regard to claim 5,

Atchinson et al. disclose the method claimed in claim 2 wherein the light source may be removed from a package and mounted in the lighting fixture by holding and manipulating the light source by the edges of the light source.

With regard to claim 17,

Atchinson et al. disclose in at least figures 1 and 10 and column 4, lines 1-25 a method for providing a replaceable light source comprising the steps of: manufacturing a plurality of light sources (20) on one or more flat, flexible substrates (37) in substantially two-dimensional configurations; forming a sequentially attached plurality of the light sources (32) into a cylindrical roll; detaching one or more of the light sources (20) from the roll; and flexing and removably placing the detached light source (20) in a curved three dimensional configuration within a lighting fixture.

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While Atchinson et al. do not disclose shipping the roll of light sources, this practice was well known to and widely used by those of ordinary skill in the art at the time of the invention to provide a product to a customer, and therefore would have been obvious to the same.

Additionally, while Atchinson et al. do not disclose the area emitting light source having a flexible organic light emitting diode layer on a single, flat, flexible, two-dimensional substrate, the diode layer including two electrodes, at least one of the electrodes being transparent, Pichler does disclose in at least columns 2 and 5 an analogous light source having a flexible organic light emitting diode layer on a single, flat, flexible, two-dimensional substrate, the diode layer including two electrodes, at least one of the electrodes being transparent,, providing a thinner device. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the light source of Pichler into the method of Atchinson et al. in order to provide a thinner device.

With regard to claim 26,

Atchinson et al. disclose in at least figures 1 and 10 and column 4, lines 1-25a method for providing a replaceable light source comprising the steps of: manufacturing a plurality of light sources (20) on one or more flat, flexible substrates (10) in substantially two-dimensional configurations; forming a sequentially attached plurality of the light sources (20) into a stack; detaching one or more of the light sources (20) from the stack; and flexing and removably placing the detached light source (20) in a curved three dimensional configuration within a lighting fixture.

While Atchinson et al. do not disclose the stack to be accordion-folded, nor shipping the light sources, forming an accordion-folded stack from a substantially two-dimensional flexible product was a practice well known to and widely used by those of ordinary skill in the art at the

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time of the invention to provide a more compact product for packaging and therefore would have been obvious to the same. Additionally shipping a product was a practice well known to and widely used by those of ordinary skill in the art at the time of the invention to provide a product to a customer, and therefore would have been obvious to the same.

Additionally, while Atchinson et al. do not disclose the area emitting light source having a flexible organic light emitting diode layer on a single, flat, flexible, two-dimensional substrate, the diode layer including two electrodes, at least one of the electrodes being transparent, Pichler does disclose in at least columns 2 and 5 an analogous light source having a flexible organic light emitting diode layer on a single, flat, flexible, two-dimensional substrate, the diode layer including two electrodes, at least one of the electrodes being transparent,, providing a thinner device. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the light source of Pichler into the method of Atchinson et al. in order to provide a thinner device.

With regard to claims 18,27,

Atchinson et al. disclose additionally in column 9, lines 10-20 the method claimed in claim 17 and 26, further comprising the step of providing a plurality of light sources packaged in a roll (stack) and electrically connected in parallel and means to detach and provide power to groups of individual light sources electrically connected in parallel.

With regard to claim 19,28,

Atchinson et al. disclose additionally in column 9, lines 10-20, the method claimed in claim 17 and 26 further comprising the step of providing a plurality of light sources packaged in

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a roll (stack) and electrically connected in series and means to detach and provide power to groups of individual light sources electrically connected in series.

With regard to claims 20,21,29,30,

Atchinson et al. disclose the method claimed in claim 17 and 26, wherein the sequential attachment is provided by a common flexible substrate/backing layer (37).

With regard to claims 6-16,22-25,31-34,

Atchinson et al. disclose the method of claim 1, 17, and 26. While Atchinson et al. do not disclose providing a package (the obviousness of this was addressed in the rejection of claim 2) the method of distribution (vending machine or mail-order) or the method of inducing sale (providing a separable plurality of individual products with a dispenser, packaging separate components together, ostensibly offering one of the components free with purchase of the other, advertising, providing a testable product, inducing repeat business via customer deposit), these practices were well known to and widely used by those of ordinary skill in the art at the time of the invention to increase sales and therefore would have been obvious to the same.

With regard to claim 35,

Atchinson et al. disclose in at least figures 1 and 10 and column 4, lines 1-25 a method for providing a replaceable light source comprising the steps of: manufacturing a light source (20) on a flat, flexible substrate (37) having a flexible encapsulating cover (22) affixed to the flat flexible substrate (37), in a substantially two-dimensional configuration; and flexing and



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removably placing the light source (20) in a curved three dimensional configuration within a lighting fixture (not pictured).

While Atchinson et al. do not disclose the method of shipping the light source, it was a well known and widely used practice to those of ordinary skill in the art to ship a two-dimensional product in a two dimensional configuration to simplify packing, and therefore would have been obvious to the same.

Additionally, while Atchinson et al. do not disclose the area emitting light source having a flexible organic light emitting diode layer on a single, flat, flexible, two-dimensional substrate, the diode layer including two electrodes, at least one of the electrodes being transparent, Pichler does disclose in at least columns 2 and 5 an analogous light source having a flexible organic light emitting diode layer on a single, flat, flexible, two-dimensional substrate, the diode layer including two electrodes, at least one of the electrodes being transparent, providing a thinner device. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the light source of Pichler into the method of Atchinson et al. in order to provide a thinner device.

### ***Response to Arguments***

While the applicant argues that an advertising device, a safety indicator, or a Christmas tree is not a lighting fixture, the examiner respectfully disagrees, as all are disclosed by Atchinson as light source fixing means. Additionally, while the applicant argues that a light source cannot be composed of a collection of smaller light sources, the examiner respectfully disagrees, as any light source, including that claimed by the applicant, can be divided into a collection of smaller light sources.

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In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER M. RAABE whose telephone number is (571)272-8434. The examiner can normally be reached on m-f 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CR/

/NIMESHKUMAR D. PATEL/  
Supervisory Patent Examiner, Art Unit 2879